

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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YOANDY FERNANDEZ-MORALES,

Plaintiff,

v.

GAZZINI, *et al.*,

Defendants.

Case No. 3:23-CV-00124-CLB

**ORDER RE: MOTION TO IDENTIFY
UNSERVED DEFENDANTS AND
MOTION TO SUBSTITUTE PARTY**

[ECF Nos. 47, 49]

Before the Court are two motions filed by Plaintiff: (1) motion to identify unserved defendants; and (2) motion to substitute party. (ECF Nos. 47, 49, respectively.)

As background, on December 26, 2023, Defendants filed their notice of acceptance of service and stated they could not accept service on behalf of Defendant Gregory Martin as he is deceased and that after reasonable inquiry, they could not identify Defendants “Gazzini” or “B. Robinson”, and thus could not accept service on their behalf. (ECF No. 18). Thus, on December 28, 2023, Plaintiff filed a motion to substitute Defendant Martin and to identify unserved defendants “Gazzini” and “B. Robinson”. (ECF No. 19.) Defendants opposed the motion, (ECF No. 20), and Plaintiff replied, (ECF No. 25).

As to the substitution, the Court granted the motion insofar as it ordered that a motion to substitute be filed, and that Martin’s successor or representative had 90 days to substitute in for Martin. (See ECF No. 44.) Plaintiff has again filed a motion to substitute, (ECF No. 49), asking that the Court require the Office of the Attorney General (“OAG”) to identify or serve Martin’s successor. First, the motion is denied as it is duplicative of Plaintiff’s earlier filed motion. Additionally, Plaintiff’s specific request to have the OAG identify or serve Martin’s successor is denied as moot, as the OAG has represented that they have already been ordered to take investigative action in this regard and have complied with that order. (See ECF No. 20 at 3.)

1 As to the request to identify defendants, the Court denied the motion, as it
2 requested the OAG to take additional steps to identify these unserved defendants. (ECF
3 No. 44.) Plaintiff then re-filed his motion to identify unserved defendants. (ECF No. 45.)
4 The Court again denied the motion, and directed Plaintiff that he must specify a full name
5 and address for these defendants. (ECF No. 46.)

6 Plaintiff has now filed another motion regarding identifying the unserved
7 defendants and has provided more specific information as to the names and addresses
8 of the two unserved defendants. (See ECF No. 47.) First, Plaintiff identifies “Brian
9 Robison” with an address at the Southern Desert Correctional Center. (See *id.* at 3, 7.)
10 Next, Plaintiff identifies “Maintenance Supervisor Grazzini” with an address at the
11 Southern Desert Correctional Center. (See *id.* at 4, 10.) Thus, Plaintiff has provided
12 additional information in compliance with this Court’s prior orders.

13 Consistent with the above, **IT IS ORDERED** that Plaintiff’s motion to substitute,
14 (ECF No. 49), is **DENIED**.

15 **IT IS FURTHER ORDERED** that Plaintiff’s motion to identify unserved defendants,
16 (ECF No. 47), is **GRANTED**.

17 **IT IS FURTHER ORDERED** that within 21 days of the date of entry of this order,
18 the Attorney General’s Office shall file notice advising the Court and Plaintiff of whether it
19 can or cannot accept service on behalf of Defendants **Brian Robison** and **Maintenance**
20 **Supervisor Grazzini**. If the Attorney General’s Office cannot accept service on behalf of
21 **Brian Robison** and **Maintenance Supervisor Grazzini**, the Office shall file, under seal,
22 but shall not serve on Plaintiff, the last known address of **Brian Robison** and
23 **Maintenance Supervisor Grazzini**, if it has such information. If the last known address
24 of **Brian Robison** and **Maintenance Supervisor Grazzini** is a post office box, the
25 Attorney General’s Office shall attempt to obtain and provide the last known physical
26 address. If service cannot be accepted for **Brian Robison** and **Maintenance Supervisor**
27 **Grazzini**, Plaintiff shall file a motion requesting issuance of a summons, specifying a full
28 name and address for **Brian Robison** and **Maintenance Supervisor Grazzini**. If the

1 Attorney General has not provided last-known-address information, Plaintiff shall provide
2 the full name and address for **Brian Robison** and **Maintenance Supervisor Grazzini**.

3 **IT IS SO ORDERED.**

4 **DATED:** March 4, 2024.

5 
6 **UNITED STATES MAGISTRATE JUDGE**